

REMARKS

The Rejections under 35 USC § 103(a)

The pending claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of U.S. Patent Application Publication No. 2001/0026125 to *Yamazaki et al.* ("*Yamazaki*"), U.S. Patent Application Publication No. 2002/0158995 to *Hwang et al.* ("*Hwang*"), U.S. Patent No. 5,847,792 to *Kobayashi et al.* ("*Kobayashi*"), U.S. Patent Application Publication No. 2001/0022497 to *Aoki et al.* ("*Aoki*"), and U.S. Patent No. 6,013,930 to *Yamazaki et al.* ("*Yamazaki 2*"). Applicant respectfully traverses, noting that none of the references, singly or in combination, discloses every element of the claims as amended. More specifically, none discloses a partition disposed directly on a data wire and a pixel electrode, where that partition also defines a predetermined area where an organic EL layer is disposed. Additionally, Examiner's proposed combination of *Kobayashi* with *Yamazaki* improperly changes the principle of operation of *Yamazaki*, and thus does not form a prima facie case of obviousness. Finally, *Kobayashi* teaches away from Applicants' claims and from others of the above-cited references, and thus is an improper basis for an obviousness rejection.

As noted by Examiner, neither *Yamazaki* nor *Hwang* discloses a partition directly on both a data wire and a pixel electrode (Office Action, p. 3). Accordingly, neither *Yamazaki* nor *Hwang* can disclose a partition directly on a data wire and a pixel electrode, where that partition defines a predetermined area where an organic EL layer is disposed.

None of *Kobayashi*, *Aoki*, or *Yamazaki 2* cures the deficiency of *Yamazaki*. In particular, neither *Aoki* nor *Yamazaki 2* discloses a partition that is directly on both of a data wire and a pixel electrode, let alone that the partition also defines a predetermined area where an organic EL layer is disposed. *Kobayashi* at most discloses a first shielding film 10 that is not a partition, but rather is shielding meant to block light (Col. 7:16-21, Col. 7:57-8:14). Even if the shielding 10 can be considered a partition, it does not define a predetermined area for disposition of an organic EL layer. Rather, the shielding 10 only defines the exposed portion of the pixel electrodes 8, which does not correspond to the area on which organic EL is deposited (Col. 7:21-26).

Applicants' amended claim 1 is thus patentable over each of these references for at least the reason that it recites "an organic EL layer disposed on the pixel electrode and disposed in a predetermined area," where the predetermined area is defined by "a partition

disposed directly on both the data wire, and the pixel electrode.” The remaining claims each depend from claim 1, and are thus also patentable for at least this same reason.

Additionally, Examiner’s proposed combination of *Kobayashi* with *Yamazaki* does not form a prima facie case of obviousness. If the proposed modification of the prior art would change the principle of operation of that prior art, then the teachings of the references are not sufficient to render the claims prima facie obvious. M.P.E.P. § 2143.01(VI); *In re Ratti*, 270 F.2d 810 (CCPA 1959). Here, Examiner seeks to modify the LED device of *Yamazaki* (e.g., Abstract) with the LCD device of *Kobayashi* (e.g., Abstract), where these two types of devices have fundamentally different operating principles. In particular, LED devices are opaque and emit their own light, while LCD devices are transparent and require a separate backlight. Accordingly, Examiner’s use of *Kobayashi*’s LCD device to modify the LED device of *Yamazaki* would fundamentally change the principle of operation of *Yamazaki*’s device. The combination of *Kobayashi* with *Yamazaki* thus does not render Applicant’s claims prima facie obvious.

Finally, *Kobayashi* teaches away from Applicants’ claims and from others of the above-cited references, and thus is an improper basis for an obviousness rejection. As above, *Kobayashi* teaches an LCD device, as opposed to the LED devices of both *Yamazaki* and Applicant’s claims. In particular, *Kobayashi*’s LCDs cannot have, and thus teach away from, light emitting layers such as the organic EL layer of Applicant’s claims. Similarly, *Kobayashi*’s teaching of an LCD device teaches away from the LED device of *Yamazaki*, and thus teaches away from combination with *Yamazaki*. *Kobayashi* thus provides an improper basis for the present obviousness rejections. M.P.E.P. § 2145(X)(D)(2).

Conclusion

Based on the foregoing, claims 1-6 and 10-13 are now in condition for allowance. The Director is authorized to charge any deficiency in fees, or credit any overpayment, to Deposit Account No. 08-1394. The Examiner is invited to call the undersigned at (408) 392-9250 with any questions regarding the above-identified application.

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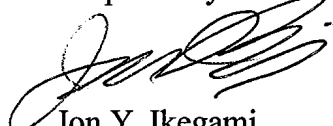
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Respectfully submitted,



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